

REMARKS

This Amendment is responsive to the Final Office Action mailed February 27, 2007 setting a three-month shortened statutory period for response expiring on May 27, 2007. Claims 1-13, 38-46 and 51-57 are currently pending. By this amendment, claims 5-7 and 9 are canceled and claims 1, 38, and 51 are amended in view of the new reference cited by the examiner in the Office Action and to reduce issues on appeal.

Rejection under 35 USC § 102(b)

Claims 1-4, 6, 7, 9-11, 38-42 and 46 stand rejected under 35 USC § 102(b) as being anticipated by Mankovitz, et al. (U.S. Patent No. 005500681A). It is acknowledged that the patent number is in error. The Mankovitz reference is US5523794A as indicated on the PTO-892 accompanying the Office Action.

The Mankovitz, et al. reference discloses embedding data in the vertical blanking interval (VBI) of a video broadcast signal, which requires a special device to extract the data from the VBI. This is the controller 12 shown in Mankovitz's Figure 1a. The controller 12 then transmits the data to a hand held electronic coupon device 10. It is respectfully submitted that the significance of the amendments previously made to Applicants' independent claims 1 and 38 remain important and distinguish over Mankovitz. In particular, claims 1 and 38 required that the token be included in the radiated audio or video display including the token with the programming radiated to the user, specifically, not radiated to a controller and then radiated to a device 10. The Mankovitz system does not radiate the token with the programming to the user. This limitation is clearly not taught by Mankovitz. Applicants' claim 46 clearly recites the step "radiating an audio signal including the audio token from the broadcast receiving appliance corresponding to the programming broadcast signal". It is respectfully submitted that Mankovitz does not teach or suggest such a step. Therefore the anticipation rejection of claims 1-4, 6, 7, 9-11, 38-42 and 46 is believed to actually be without merit and should be withdrawn for this reason.

Applicants have, however, further amended independent claims 1, 38 and 51 to clearly distinguish over the prior art based on a detailed review of an additional reference, recently cited in a corresponding Chinese application. This reference is U.S. Patent No. 5,594,493A to Nemirofsky, which was previously submitted to the USPTO in Applicants' Information Disclosure Statement filed on September 4, 2001. This patent also discloses transmission of a token signal in the vertical blanking interval. However, the transmission to the user is done from the television, again during the VBI, directly to the token receiving device. Therefore Applicants have amended the pending claims to require that the token be an audio token, which is clearly not transmitted during the vertical blanking interval as in Mankovitz, or in the Nemirofsky reference. In addition, dependent claims 5-7 and 9 have now been canceled.

It is respectfully submitted that amended independent claims 1, 38, and 51 now clearly patentably distinguish over all of the cited references. Further, no new limitations have been added to the claims -- only the scope has been narrowed, e.g., by the removal of "or video display" from claim 1. Therefore the above amendments substantially reduce any issues that might arise on appeal. Therefore it is submitted that this amendment after final should be entered prior to appeal or allowed as amended.

Rejection under 35 USC § 103

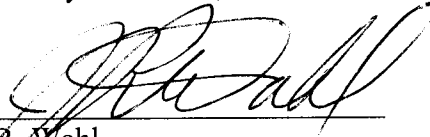
Claims 5, 8, and 43-45 stand rejected under 35 USC § 103(a) as unpatentable over Mankovitz. Claims 12, 13 and 51-57 stand rejected under 35 USC § 103(a) as unpatentable over Mankovitz in view of Clarke (U.S. Patent No. 5,502,636). It is respectfully submitted that the amended claims set forth above clearly distinguish over the cited combination of references, as Clarke does not disclose utilization of an audio token as is now claimed.

Conclusion

This amendment is believed to be responsive to all points raised in the office action. Accordingly, prompt reconsideration of the application is earnestly solicited. Should any issues remain unresolved, the examiner is encouraged to contact the undersigned attorney by telephone

at the number below to expeditiously resolve such concerns. Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 54317-010500 when charging any payments or credits in connection with this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Wahl", written over a horizontal line.

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